

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

Robert G. MENDE, Jr.

Patent. No.: 6,993,523

Issued: January 31, 2006

For: **System and Method for  
Maintaining and Recovering Data  
Consistency in a Data Base Page**

Confirmation No.: 8196

Art Unit: 2165

Examiner: RIMELL, SAMUEL G

Atty. Docket: 1452.3830000

**Request for Certificate of Correction  
Under 37 C.F.R. § 1.322**

*Attn: Certificate of Correction Branch*

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby requested that a Certificate of Correction under 37 C.F.R. § 1.322 be issued for the above-captioned United States Patent. This Certificate of Correction is being requested due to mistakes which appear in the printed patent. These mistakes were made by the U.S. Patent and Trademark Office.

Specifically, the printed patent contains the following errors for which a Certificate of Correction is respectfully requested:

On the cover page, in the "References Cited" section (56), under "U.S. Patent Documents", there are four (4) missing references as cited by the Examiner in the Office Action dated August 13, 2003. The missing references are U.S. Patent Nos. 6,240,414 (Beizer et al.), 5,991,804 (Bolosky et al.), 6,363,385 (Kedem et al.) and 6,209,002 (Gagne et al.) (PTO error).

Attached is the Office Action of August 13, 2003, including form PTO 892 originally attached with the Office Action. Form PTO 892 cites references missing from the printed patent.

As evidenced by the form PTO 892, evidence exists in the USPTO file record to support this Certificate of Correction. Applicant submitted a similar request for correction on January 31, 2008. In a communication on April 7, 2008, Examiner Rimell requested a copy of the form PTO 892. Applicant promptly submitted the form 892 to Examiner Rimell on April 22, 2008, as requested. Nevertheless, the Examiner appears to have proceeded to deny the earlier Certificate of Correction on the grounds the form 892 was not received as of April 9, 2008 (see, letter mailed April 29, 2008 and its attachment). Applicant respectfully traverses and submits that this denial was incorrect. In response, Applicant now submits this new request for correction along with a copy of form PTO 892 providing evidence that the listed references were considered by the Examiner during the original prosecution and should have been printed on the face of the patent.

### ***Remarks***

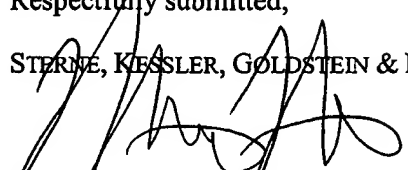
The above-noted corrections do not involve such changes in the patent as would constitute new matter or would require reexamination.

A completed Form PTO/SB/44 accompanies this request, with the above-noted corrections printed thereon. Accordingly, a Certificate of Correction is believed proper and issuance thereof is respectfully requested.

The Commissioner is hereby authorized to charge any fee deficiency, or credit  
any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Michael V. Messinger  
Attorney for Patentee  
Registration No. 37,575

Date: 6/17/08

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828540\_1.DOC



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Date Mailed : 04/29/08

Patent No. : 6993523 B1  
Patent Issued : 01/31/06  
Docket No. : SGI 15-4-879.00

Re: Request for Certificate of Correction

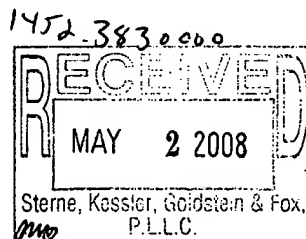
Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 02/04/08; please see attachment.  
"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."

In view of the foregoing, your request in this matter is hereby denied.

*Lamonte M. Newsome*  
Lamonte M. Newsome  
For Mary Diggs, Supervisor  
Decisions & Certificates  
Of Correction Branch  
(703) 305-8309 or (703)-308-9390 #112

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington DC 20005-3934



LMN

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : April 07, 2008

TO SPE OF : ART UNIT 2165

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/730988 Patent No.: 6993523 B1

A response is requested with respect to a request for a certificate of correction.

With respect to the change(s) requested to correct Office and/or Applicant's errors, should the patent read as shown in the certificate of correction attached herewith or the COCIN document(s), in IFW images for the above-identified patented application? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

If the response is for an IFW, within 7 days, please complete and forward the response to the employee (named below) via scanning into application images, using document code COEX.

## DO NOT SENT TO ATTORNEY

If the response is for a paper file wrapper, please complete the response and forward the response with the paper file wrapper, to the employee (named below), within 7 days, to:

Certificates of Correction Branch (CofC)

South Tower - 9A22

Palm Location 7580

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved In Part

Specify below which changes do not apply.

☒ Denied

State the reasons for denial below.

Comments: DENIED—No evidence exists in the record that all the prior art references listed were considered by the examiner during prosecution. The examiner contacted applicant's representative on April 7, 2008 to determine if applicant was relying on some evidence absent from the electronic record (such as a form PTO 892) to establish the consideration of these prior art references.

No response received as of April 9, 2008.

Certificate of Correction is DENIED for lack of supporting evidence

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Sam Rime//

/Charles Rones/

2164

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SPE

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,988	12/05/2000	Robert G. Mende JR.	SGI 15-4-879.00	8196

7590

08/13/2003

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
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Washington, DC 20005-3934

EXAMINER

RIMELL, SAMUEL G

ART UNIT

PAPER NUMBER

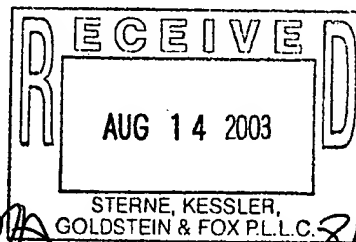
2175

DATE MAILED: 08/13/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED



Response due November 13, 2003  
Stat Bar February 13, 2004

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/730,988	MENDE, ROBERT G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sam Rimell	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

*[Signature]*  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) ____.   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other:                                          |



Art Unit: 2175

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17: The phrases “the status of the lock on the primary page” and “the status of the lock on the mirror page” lack antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9 and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Beizer et al. (U.S. Patent 6,240,414).

Claim 7: FIG. 3D of Beizer et al. refers to data elements in work folder and data elements in a master folder. The work folder thus becomes the primary page and the master folder becomes the mirror page Beginning at step (68), the value of the data element in the work folder is compared to the value of the data element in the master folder. If they are inconsistent, then at step 70, the value from the work folder is applied to the master folder, so as to make the consistent page (the work folder) become consistent with the inconsistent page (the master folder). Any of the decision steps in FIG. 3D are readable as a lock, since negative decision

prevents the updating to the master folder. Thus, the step of resolving the lock status can be met by passing through any of the decision blocks.

Claim 8: Claim 8 contains two options, one of which is to simply allow a write operation to occur. At step (70), a write operation occurs by updating the master folder.

Claim 9: Both the master folder and the working folder are unlocked. The folders are consistent if data values are updated so as to be the same (step 70 in FIG. 3D).

Claim 15: Beizer et al. discloses individual computer systems, such as (34), (36) and (38). A computer system inherently includes a processor and a bus for communication between the components on the computer. Databases (30) and (42) are connected to the processors. The lock as set forth in line 6 is recited as an option, and therefore does not necessarily limit the claim. The processes set forth in claim 15 carry no patentable weight since they do not further limit the elements of the physical system.

Claim 16: As seen in FIG. 3D, the pages on the work folder and the master folder have counter values which can be compared.

Claim 17: Claim 17 is entirely directed to process steps which do not further limit the elements of the physical system. Accordingly, these steps carry no patentable weight.

Claim 18-19: The lock is optionally recited in claim 15, and therefore it does not necessarily limit the invention or carry patentable weight.

Claim 20: Claim 20 is directly entirely to process steps which do not further limit the elements of the physical system. Accordingly, these steps carry no patentable weight.

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Claims 10-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6 are allowed.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2175

<b>Notice of References Cited</b>	Application/Control No. 09/730,988	Applicant(s)/Patent Under Reexamination MENDE, ROBERT G.	
	Examiner Sam Rimell	Art Unit 2175	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US- 6240414	05-2001	Beizer et al.	707/8
	B	US-5991804	11-1999	Bolosky et al.	707/10
	C	US-6363385	03-2002	Kedem et al.	707/10
	D	US-6209002	03-2001	Gagne et al.	707/10
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.